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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/382,702	08/24/99	HOCHSTEIN	P 65.016-046

MMC1/0324  
HAROLD W MILTON  
HOWARD & HOWARD  
THE PINEHURST OFFICE CENTER SUITE # 101  
1400 N WOODWARD AVENUE  
BLOOMFIELD HILLS MI 48304

EXAMINER

VU, B

ART UNIT

PAPER NUMBER

2838

DATE MAILED:

03/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. 09/382,702	Applicant(s) HOCHSTEIN, PETER ANTHONY	
	Examiner Bao Q. Vu	Art Unit 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 1999.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-23 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 24-45 is/are rejected.
- 7) ☒ Claim(s) 6-13 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All   b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: \_\_\_\_\_.

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### ***Reissue Applications***

#### ***Specification***

1. A substitute specification including claims a is required pursuant to 37 CFR 1.125(a) because the submitted specification has improper margins and spacing that is too close to the top of the page that is not legible when holes are punched in at the top of the page. Applicant is required to submit a new specification with the proper spacing at the upper margin of the page to have adequate room for the punched holes at the top of the page.
2. A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1, 2, 4 and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Johnson (USP 5,463,280). Johnson clearly shows a rectifier, 46, a power factor correction means, 106, and an LED array, 116. See figures 8 and 9.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 5, 24-35, 36/24, 36/25, 36/27, 36/28, 36/29, 36/30, 36/31, 36/32, 36/33, 36/34, 36/35, 37/24, 37/25, 37/26, 37/27, 37/28, 37/29, 37/30, 37/31, 37/32, 37/33, 37/34, 37/35, 38/37/24, 38/37/25, 38/37/26, 38/37/27, 38/37/28, 38/37/29, 38/37/30, 38/37/31, 38/37/32, 38/37/33, 38/37/34, 38/37/35, 39/24, 39/25, 39/26, 39/27, 39/28, 39/29, 39/30, 39/31, 39/32, 39/33, 39/34, 39/35, 40/24, 40/25, 40/26, 40/27, 40/28, 40/29, 40/30, 40/31, 40/32, 40/33, 40/34, 40/35, 41/24, 41/25, 41/27, 41/28, 41/29, 41/30, 41/32, 41/33, 41/34, 42/41/24, 42/41/25, 42/41/27, 42/41/28, 42/41/29, 42/41/30, 42/41/32, 42/41/33, 42/41/34, 43/26, 43/31, 43/35, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (USP 5,463,280) in view of Hochstein (USP 5,633,629). Johnson discloses the claimed device, see above paragraph, except for the use of a PWM to control the switching power supply circuit and the different configurations of an LED array as a load element

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for the switching power supply. Hochstein discloses that it is known in the art to provide the use of a PWM to control the switching power supply circuit and the different configurations of an LED array as a load element for the switching power supply. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the a rectifier, 46, a power factor correction means, 106, and an LED array, 116, of Johnson with the PWM to control the switching power supply circuit and the different configurations of an LED array as a load element for the switching power supply of Hochstein, in order to a highly regulated and controllable power supply that is made more efficient with the use of a PWM to be usable with diverse load elements and different configurations of an LED array.

***Allowable Subject Matter***

7. Claims 6-13 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 14-23 are allowed.
9. The following is an examiner's statement of reasons for allowance: None of the prior art alone or in combination suggest a dimming detector means with the use of a power factor correction circuit in power supply device for an LED array and protective switch-over means.

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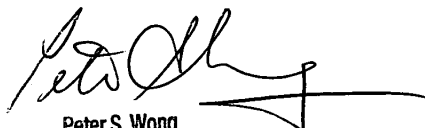
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Vu whose telephone number is (703) 308-2318.

The examiner can normally be reached on Monday-Fridays, 8:00AM-5:00PM.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter S. Wong can be reached on (703) 305-3477. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7723 for regular communications and (703) 305-7723 for After Final communications.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Bao Q. Vu  
March 23, 2000

  
Peter S. Wong  
Supervisory Patent Examiner  
Technology Center 2800